

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA )  
v. )  
JOSE HERNANDEZ, )  
Defendants. )  
Case No. 08-CR-0075-03

## PRELIMINARY ORDER OF FORFEITURE

Based upon the motion of the United States, the entire file in this case, and good cause appearing, the Court finds that:

1. On May 14, 2008, a federal grand jury sitting in Madison, Wisconsin, returned an indictment against defendant Jose Hernandez. Count 1 charged conspiracy to distribute cocaine. The indictment also contained a forfeiture allegation for the forfeiture of one 2002 Ford Crown Victoria, vehicle identification number 2FAFP7W62X143774.

2. On September 5, 2008, the defendant entered a plea of guilty to Count 1 of the indictment pursuant to a written plea agreement. In the plea agreement the defendant agreed to the forfeiture of one 2002 Ford Crown Victoria, vehicle identification number 2FAFP70W62X143774, as set forth in the forfeiture allegation of the indictment.

IT IS THEREFORE ORDERED:

1. That based upon Jose Hernandez's guilty plea, and pursuant to Title 21, United States Code, Section 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, the defendant forfeits to the United States his right, title, and interest in the 2002 Ford Crown Victoria, vehicle identification number 2FAFP70W62X143774.
2. The United States Marshals Service is directed to seize and take custody of the above-referenced property.
3. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of the order and of its intent to dispose of property in such a manner as the Attorney General may direct. Any other person, other than the defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.
  - a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.
  - b. The United States may also, to the extent practicable, provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

4. Upon adjudication of any and all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

ORDERED this 25<sup>th</sup> day of September 2008.

*Barbara B. Crabb*  
BARBARA B. CRABB  
Chief United States District Judge